

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JARID L. CUBBAGE,

Petitioner,

v.

PERRY PHELPS, Warden,
and JOSEPH R. BIDEN III,
Attorney General of the State
of Delaware,

Respondents.

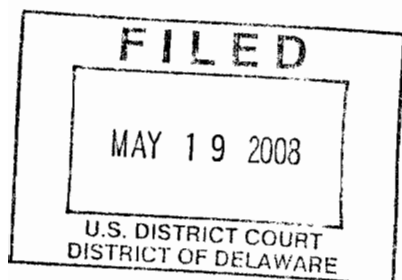
Civil Action No. 05-798-GMS

ORDER

At Wilmington this 19th day of May 2008;

IT IS ORDERED that:

Petitioner Jarid L. Cubbage's motion to proceed *in forma pauperis* is **DENIED** as unnecessary. (D.I. 29.) The court previously granted Cubbage's request to proceed *in forma pauperis* on his § 2254 petition, (D.I. 5.), and his *in forma pauperis* status continues on appeal. See Federal Rule of Appellate Procedure 24(a)(3) ("party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless . . . the district court . . . certifies that the appeal is not taken in good faith").





CHIEF, UNITED STATES DISTRICT JUDGE